



**Nursing Care Quality Assurance Commission
MINUTES
Dept of Health
310 Israel Rd SE
Tumwater, WA 98501
Point Plaza East, Room #152, 153
March 11, 12, 2004 8:30AM – 4:30PM**

Commission Members present: Cheryl Payseno, RN, MPA, Chair
Roberta Schott, LPN, Co-Chair
Becky Kerben, LPN
Karen Brewer, Public Member
Rev. Ezra Kinlow, Public Member
Marlene Wells, LPN
Mariann Williams, RN, MPH, ARNP

Pro tem Members present: Janet Claypool, RN, MSN
Joan Davidson, RN, MA
Shannon Fitzgerald, RN, MSN, ARNP
Victoria Fletcher, RN, MSN, ARNP
Jeni Fung, Public member
Jeanne Vincent, RN, MS, CPHQ
Penny Woodruff, RN, MS

Assistant Attorney General: Laura Williams, Assistant Attorney General

Staff: Paula R. Meyer, RN, MSN, Executive Director
Kris McLaughlin, Secretary
Maura Egan, RN, Education Manager
Connie Fraser, Secretary
Jeanne Giese, RN, MN, Chief Investigator
Karl Hoehn, Lead Staff Attorney
BJ Noll, Nurse Practice Manager
Terry West, Health Service Consultant

March 11, 2004 WORKSHOP

Handouts from the workshop are available upon request. Please contact Kris McLaughlin at kris.mclaughlin@doh.wa.gov or call Kris at 360-236-4713 to request the information.

Cheryl Payseno, Chair, introduced Frank Maziarski and presented him with a plaque recognizing him for his years of service with the Nursing Commission.

8:30AM - 9:00 AM Introductions, welcome – Cheryl Payseno
Patient Safety
Rhoene Jessup, CareInfo, is consultant and has been a Joint Commission on Accreditation of Healthcare Organizations (JCAHO) surveyor. Ms. Jessup is unable to be with the Nursing Commission on this date, but will provide materials on the JCAHO patient safety recommendations.

9:00 - 9:45	National Quality Forum (NQF) - Frank Maziarski, RN, CRNA Mr. Maziarski is a board member for NQF and will be sharing work on the Voluntary Consensus Standards for Nursing-Sensitive Performance Measures
9:45 - 10:00	Break
10:00 - 10:45	Investigative Reports and Automated Healthcare Systems - A Look into the Future - Dennis Brown, RN, Section 6 Investigator Mr. Brown will present options that automated healthcare systems are able to offer and reports used in nursing investigations. Nursing Commission members will be able to review examples of these reports and how they apply to their role as reviewing commission members.
10:45 - 11:30	Department of Health Medication Error Report - Patti Rathbun, Office of the Secretary of Health Several years ago, the Institute of Medicine's report, the Quality Chasm, lead the Department of Health working with stakeholders to develop a report on medication/medical errors in our state. Ms. Rathbun will describe the report's recommendations and current work on this timely topic.
11:30 - 12:00	Interpretive Statements, Advisory Opinions, and Declaratory Statements – Shannon Fitzgerald, Laura Williams, Pam Lovinger Under the Uniform Disciplinary Act (UDA), the disciplinary authorities have discretion to answer questions using interpretive statements, advisory opinions and declaratory statements. The panel of presenters will describe the Nursing Commission's actions and the Secretary of Health's review process with these statements.
12:00 - 1:30 PM	Lunch
1:30 - 2:30	Continuing Competency This portion of the workshop will include live video transmission from the National Council of State Boards of Nursing in Chicago. National Council of State Boards of Nursing - Model Rules, Continued Competency - June Smith, RN, PhD, and Vickie Sheets, RN, JD – videoconference – Room 139 Dr. Smith has completed research on the topic of Continuing Competency. Dr. Smith will be presenting the findings of her study. Ms. Sheets works with the Model Rules committee and will present their work on Continuing Competency.
2:30 - 2:45	Break
2:45 - 3:30	Pilot Project - The Chiropractic Commission - Gail Zimmerman Ms. Zimmerman is the Executive Director for Health Professions Quality Assurance, Section 3. Ms. Zimmerman has worked for many years with the Chiropractic Commission to develop their pilot project on Continuing Competency. Ms. Zimmerman will present their work and report on their current status of the project. The Chiropractic Commission's report was distributed to Nursing Commission members at their January 2004 meeting.
3:30 - 3:45	Break
3:45 - 4:30	Continuing Competency Concepts and Evaluation – Victoria Fletcher, RN, CNM Ms. Fletcher presented a conceptual framework and model for continuing

competency for the Nursing Commission at their July 2003 workshop. Ms. Fletcher will review her materials with the Nursing Commission member's in preparation for an action item on their March 12 Business meeting agenda.

4:30 - 5:30

Continuing Competency – Moderated discussion

At this time, the Nursing Commission members will be able to formulate and discuss their questions related to Continuing Competency and their regulatory role.



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NCQAC Business Meeting

- 1. Opening – Cheryl Payseno, Chair**
 - Call to order – Cheryl Payseno called the meeting to order at 8:30AM March 12, 2004.
 - Introductions
 - Order of agenda – Order of agenda approved
 - Correspondence – No correspondence
 - Announcements
 - Other
- 2. Consent agenda – Discussion/Action**
 - Approval of minutes, etc.
 - Budget
 - Organizational Chart
 - National Council of State Boards of Nursing (NCSBN) correspondence

DECISION: The Budget report will be removed and discussed during the Executive Director report.

ACTION: The consent agenda was approved by the commission.

- 3. Chair Report – Cheryl Payseno - Discussion/Action**
 - Committee members appointments –

DISCUSSION: Judi Personett and Shannon Fitzgerald were asked to participate on the Practice Sub committee with Judi as co-chair.

DECISION: Marlene Wells has been appointed to be a member on the Education Subcommittee.

DISCUSSION: Washington Center for Nursing (WCN) articles of incorporation have been approved and submitted. Over \$50,000.00 has been donated from hospitals and associations for starting the center. Interviews will begin next week for hiring an Executive Director. Seattle Pacific University has offered space at their facility for the WCN. HB2711 proposed the use of a licensing fee surcharge to fund the WCN, but it did not pass the 2004 legislative session. Cheryl Payseno has resigned her position as President of the WCN but is still a non voting member on the board.

Newsletter – look at strategic plan – what are cost effective methods of communicating with the public regarding nursing issues.

- **NCSBN mid year meeting report – Cheryl Payseno, Roberta Schott, and Paula Meyer**

DISCUSSION: Roberta Schott reported on the National Council of State Boards of Nursing (NCSBN) midyear meeting that was held in March 2004 in Chicago, Illinois. All nominations for Board of Directors for the NCSBN must be submitted by April 18, 2004. Paula Meyer spoke about the 2004 awards program which includes the R. Louise McManus award, Meritorious Achievement award, Regulatory Achievement award, Exceptional Leadership award and the Exceptional Contribution award. The Nursing Commission has been nominated for one of the awards. Mary Selecky submitted a letter of endorsement on behalf of the Nursing Commission.

4. **ED Report – Paula Meyer - Discussion/Action**

- **NCSBN Commitment to Ongoing Regulatory Excellence (CORE) study results**

DISCUSSION: Cheryl Payseno reported on the Commitment to ongoing Regulatory Excellence (CORE) best practices of boards of nursing in 2002. Multistate Regulation (MSR) and the compact are going very well. Idaho is a compact state and Oregon is going forward next year. Cheryl commented that we would like to go next year if possible. There was discussion as to inviting Oregon and Idaho to our May meeting which will be held in Spokane to discuss the MSR. Discussion of giving out license numbers or home addresses rather than Social Security numbers was discussed in regards to NURSUS.

Paula reported on the five categories of the Commitment to ongoing regulatory excellence report. Terry West was given recognition for her work on the surveys. The 2003 survey, which has not been published yet, demonstrated the rating of the Nursing Commission should be available by the July meeting.

- **Legislation –**

DISCUSSION: Paula Meyer gave an update on which Legislation had passed or not. Washington Nursing Center died; disciplinary process 2326 died; HB2414 increasing number of commission members died; HB2712 nursing environment died; SB6564 Eliminating Barriers to Licensure passed requires transcripts and 200 hours of preceptorship for LPN's in a traditional program of study; HB3055 driving under influence and who could draw blood samples and will require technical cleanup of bill next year; ARNP's bill passed on getting Labor and Industries (L&I) reimbursement for services.

- **Personnel –**

DISCUSSION: Paula announced that after 13 years of employment with the Department of Health Jeanne Giese will be retiring at the end of April. Max Robinette who is an investigator with HPQA#6 will be retiring at the end of May.

- **Nursing Law Book and Practice Guidelines CD –**

DISCUSSION - We now have paper, CD and electronic versions of the Nursing Law book and Practice Guidelines available at the commission office upon request. Staff is evaluating the most effective and cost effective manner to distribute these to licensees.

- **Other –**

DISCUSSION: The Tri City Herald article relating to open public meetings was discussed. A suggestion was made that when replying to everyone in email messages it may appear that a meeting is being held when there actually is not. It was suggested to reply only to the one individual sending the message rather than replying to “all”.

Budget was taken from the consent agenda for discussion. Terry West explained the budget reports and some of the acronyms included in the report.

5. State Ethics Board/HPQA Ethics Policy – Paula Meyer - Discussion/Action

The Commission will review and discuss the role of commission members on the Washington Nursing Leadership Council (WNLC) as non-voting members and participation in groups associated with the WNLC. The issue of participation in the Washington Center for Nursing as a full voting member has been determined, but analysis of a voting versus a non-voting role on the WNLC remains. A question of membership on a task force or advisory group associated with the Council on Adult Experiential Learning (CAEL) exists as well and the ability to participate.

DISCUSSION: Paula Meyer explained that it is best to act as non voting members of any of these groups. If you are on any of these groups it may appear that you are speaking on behalf of the commission or giving positions on behalf of the commission.

6. Continuing Competency Model - Mariann Williams - Discussion/Action

The Commission will review the Continuing Competency concepts and Pilot Project actions presented during the workshop on March 11 and discuss the adoption of the concepts. Future direction for the Nursing Commission may be determined.

DISCUSSION: Victoria Fletcher and Frank Maziarski were recognized for their years of working on the continuing competency model. Mariann Williams reported on the meetings and discussions which have been held. This will be a big project and will need input from other sources, attorneys, organizations and associations. Two primary goals of the Nursing commission for a continuing competence system are to reduce disciplinary actions and provide a flexible system since all nurses are not employed in facilities. Outlines for practice profiles should be included. Nurses will need to demonstrate they are competent in their field.

ACTION: Mariann Williams made a motion to begin working on a continuing competence pilot project.

ACTION: An amended motion was made and passed to approve the continuing competency concepts and objectives and outcomes as listed in Nursing Commission strategic plan, to consider continuing competency pilot project s allowed in the UDA RCW 18.130.270 and to involve stakeholders to identify essential elements of a continuing competency pilot project.

DECISION: Volunteers to develop an implementation plan are Mariann Williams, Cheryl Payseno, Roberta Schott, Karen Brewer, Victoria Fletcher, Paula Meyer and Terry West. The majority of the work will be determined prior to July 1, 2004.

7. Nursing Education Rules – Faculty to Student Ratio Language – Cheryl Payseno, Marianne Williams, Judy Personnett- Discussion/Action

The Commission will review and discuss the most current draft language on the topic of Faculty to student ratios and comments received from the public. The next steps are to complete the Small Business Economic Impact Statement (SBEIS) and the Significant Analysis (SA). A revised timeline will be presented. The Nursing Commission will discuss and decide next steps with this set of rules.

DISCUSSION: The members agreed a 1 : 10 faculty to student ratio but felt the language needs to reflect this as a recommendation since there are numerous factors determining the ratio of faculty to students in a clinical setting. The next step is to proceed with the SBEIS and SA and the approval process. Possible rule hearing in July.

8. Rules Update – Kendra Pitzler - Discussion/Action

Permanent Nursing Technician, Registered, language and fee rules will be discussed. These rules were under emergency adoption and draft permanent language will be presented.

Permanent Nurse Delegation, for RNs and Nursing Assistants, language will be presented and discussed. These rules were also under emergency adoption and draft permanent language will be presented.

Draft language on the Catheterization of Students will be presented and discussed. This rule is following an expedited rule process.

The Section 6 priority list for rules will be presented for discussion and input.

DISCUSSION: Kendra Pitzler reported that there has been no change in language the Nurse Tech and Nurse Delegation proposals. The language presented was the same language reviewed in January. There are, however, some problems with the nurse delegation language. Staff has found that the requirement for informed consent was removed from the statute last legislative session. Because these rules are being filed as expedited rules, the proposal must adopt or incorporate the statute by reference without material change. Since the statute no longer contains this language, the informed consent language may need to be addressed at a later time. The Nurse Technician-emergency rule will expire on June 11, 2004. The Nurse Delegation emergency rules expire July 2, 2004. Hearings may need to be separate from a business meeting. A suggestion was made to hold a hearing on Nursing Technician rules on May 7, 2004.

Education subcommittee requested the nursing commission revise rules pertaining to how often an applicant may re-test for NCLEX.

9. Washington Health Professions Service (WHPS) – Jean Sullivan – Discussion/Action

Update on the WHPS program

DISCUSSION: Jean Sullivan was ill and not able to give her presentation.

10. Nominating Committee – Cheryl Payseno – Discussion/Action

At each March meeting of the NCQAC, a nominating committee is named. The nominating Committee then develops a slate of candidates of officers to be presented at the May meeting. An election of officers is held at the May meeting and new officers' terms begin at the opening of The July meeting.

DISCUSSION: Cheryl Payseno, Ezra Kinlow and Roberta Schott reviewed and revised the chair and vice-chair position descriptions for the nominating committee. The nominating committee has suggested having two candidates for each office. They can serve on a committee even

though they are on the nominating committee. The position of chair and vice chair must be 1-year terms.

DECISION: Mariann Williams, Karen Brewer and Marlene Wells volunteered to be on the nominating committee and will put forth a slate of candidates by May 7 to be voted on May 14. If you are not present at today's meeting and wish to be nominated for a position you need to contact Mariann, Karen or Marlene.

11. LPN Role in Community Based Care Settings – Task Force Report – Marianne Williams - Discussion/Action

The purpose of the task force is to evaluate and determine the role of the Licensed Practical Nurse (LPN) in community based care settings utilizing the framework provided in the WAC 246-840-700 and WAC 246-840-705. The NCQAC will provide a written statement of this determination to stakeholders. The task force members may provide a final draft statement to the Commission to consider for adoption.

DISCUSSION: The task force presented a draft position statement dated March 12, 2004. There was a lot of discussion whether to provide a statement or to refer persons to the law or decision tree.

DECISION: A letter to DSHS will be drafted for Cheryl's signature with the decision of the commission not to answer the question.

ACTION: Motion was made and passed not to provide a statement.

12. 11:00 AM to 11:30 AM Executive Session if needed - The Executive Session is that part of a regular or special meeting that is closed to the public

ACTION: An Executive Session was not needed

13. 1:00PM–OPEN MIKE - Open mike is for public presentation of issues to the Nursing commission. If the public has issues regarding disciplinary cases, please call: 360-236-4727.

DISCUSSION: A communication task force will be developed to brainstorm ideas and determine the best way to communicate with licensees.

DECISION: The communication task force will consist of Cheryl Payseno, Karen Brewer, Paula Meyer and Terry West. Ideas will be brought to the commission at the next meeting.

14. Discipline Sub-Committee report – Cheryl Payseno - DISCUSSION/ACTION

a. Decision making criteria for license applications policy A21.03 - DISCUSSION/ACTION

DISCUSSION: This policy had been called the "yes answer" policy. This policy allows administrative staff to apply criteria established by the Nursing Commission to approve or deny the application in order to process applications quickly and fairly.

DECISION: A decision was made to combine for clarity the 3 types of burglary situations: residential burglary, theft 1 or robbery 1 and 2.

ACTION: A motion was made and passed to accept the policy with clarification of combining 3 types of burglary.

b. Respondents ordered into refresher programs – DISCUSSION/ACION

DISCUSSION: This letter is an update to the commission. The letter would be sent to respondents to clarify for the respondents who are unable to meet course objectives for taking refresher courses.

- c. Revising the process used to convene hearing panels – DISCUSSION/ACTION

DISCUSSION: A draft of hearing panels with assigned members rather than the current method of scheduling is being developed and will be brought to the discipline subcommittee for review.

- d. Other

15. Practice Sub-Committee report – Roberta Schott - DISCUSSION/ACTION

- a. Vagal Nerve Stimulator – DISCUSSION/ACTION

DECISION: Shannon Fitzgerald volunteered to work on this request and bring a draft to the May commission meeting.

- b. Botox position statement – DISCUSSION

DISCUSSION: The Medical Commission approved the statement as written.

ACTION: A motion was made and passed to approve the draft statement dated January 21, 2004, the Administration of Botox and the Role of Licensed Nurses.

- c. Advisory Opinion requests – DISCUSSION/ACTION

1. Bonnie Blachly MNC, BSN, RN, CDONA/LTC, LNC, NHA
Can all nursing homes in Washington State who desire to have a licensed/registered nurse chart routine medications using one signature to indicate all routine medications were given at one time (modified charting by exception for routine medications).
2. Donald T Cox, CRNA ARNP, and Chief Nurse Anesthetist at Lake Chelan Community Hospital. Administration has asked me to provide anesthesia in the ER for patients being cared for by PAs doing closed reductions of fractures and dislocations, laceration repairs etc.

DECISION: These types of requests will be handled as technical assistance not Advisory Opinions. BJ Noll will draft a letter for Cheryl Payseno's signature responding to advisory requests from Donald Cox and Jeanne Vincent will draft a response to Bonnie Blachly's request.

- d. Other –

DISCUSSION: There were no current Practice Subcommittee minutes to be approved at this meeting. BJ Noll will draft a letter for Cheryl Payseno's signature responding to the advisory request from Kelly Brown regarding cerebral imaging.

16. Education Sub-Committee – Mariann Williams - DISCUSSION/ACTION

- a. The NCSBN Examination Committee reviewed the Report of Findings from the 2003 LPN/VN Practice Analysis: Linking the NCLEX-PN® Examination to Practice [Smith and Crawford, 2003] at their November 2003 meeting. Committee recommendations were provided to the Nursing Commission for consideration and feedback to NCSBN by March 15, 2004. The feedback and recommendations for the NCSBN will be discussed and proposed.

DISCUSSION: NCSBN had asked for feedback on changes to the composition of categories of questions. The Nursing Commission was favorable of the changes. Paula Meyer will notify the NCSBN office on March 15 of their support.

- b. NCLEX-RN® passing standard. The Nursing Commission has received a report from the NCSBN related to the increase in the passing standard for the RN examination, effective in April, 2004. The Nursing Commission will discuss the passing rate increase and consider related actions.

DISCUSSION: The NCSBN Board of Director's has the ability to make decisions relating to the exam.

- c. The NCSBN informed the Nursing Commission that it is now capable of offering repeat examinations to candidates every 45 days. The previous standard was every 90 days. At their May 2003 meeting, the Nursing Commission expressed approval of the move to the 45 day period. The current rules state 90 days. Discussion of potential actions to move to the 45 day time period quickly will be discussed.

DISCUSSION: The Nursing Commission is favorable of this change and would like to proceed with a rules change.

- d. Other

17. Other/FYI –

DECISION: The commission made a decision to nominate the Disciplinary process for an award from NCSBN.

Cheryl Payseno adjourned the meeting at 1:51PM on March 12, 2004. Kris McLaughlin recorded the minutes. Minutes were approved May 14, 2004.